

Panaji, 17th December, 2015 (Agrahayana 26, 1937)

SERIES II No. 38

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

*Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 37 dated 10-12-2015 namely, Extraordinary dated 11-12-2015, from pages 1081 to 1082 regarding Notifications from Department of Finance.*

### GOVERNMENT OF GOA

Department of Education, Art &amp; Culture

Directorate of Higher Education

#### Order

No. 23/5/92-EDN/3309

Sanction of the Government is hereby accorded to re-employ Shri Constancio Fernandes, Associate Professor in Political Science on contract basis in terms of Central Civil Services (Fixation of pay of re-employed Pensioners) Orders, 1986 in Government College of Arts, Science and Commerce, Quepem upon his superannuation on 30-06-2015 and upto 30-04-2016 or till the post is filled on regular basis whichever is earlier.

This issues with approval of the Cabinet Meeting held on 20-11-2015 under Agenda item No.15 and concurrence of Finance (R&C) Department vide their U.O. No. 1400013746 dated 10-07-2015.

By order and in the name of the Governor of Goa.

*Diwan N. Rane*, Under Secretary (HE).

Porvorim, 7th December, 2015.

Directorate of Art and Culture

#### Order

No. DAC/Accts/RBC.Committee/2015-16/7998

In exercise of the powers conferred under clause 5 of the Constitution of Ravindra Bhavan, Curchorem-Goa, the Government is pleased to

appoint Shri Nilesh Cabral, Curchorem-Goa as Chairman of Ravindra Bhavan, Curchorem-Goa with effect from 01-01-2016.

By order and in the name of the Governor of Goa.

*Prasad Lolayekar*, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 10th December, 2015.

#### Order

No. DAC/Accts/RBC.Committee/2015-16/7999

In exercise of the powers conferred under clause 5 of the Constitution of Ravindra Bhavan, Curchorem-Goa, the Government is pleased to appoint Shri Rajoo M. Naik, Curchorem-Goa as Vice-Chairman of Ravindra Bhavan, Curchorem-Goa with effect from 01-01-2016.

By order and in the name of the Governor of Goa.

*Prasad Lolayekar*, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 10th December, 2015.

#### Order

No. DAC/Accts/RBC.Committee/2015-16/8000

In exercise of the powers conferred under clause 7 (vii) of the Constitution of Ravindra Bhavan, Curchorem-Goa, the Government is pleased to nominate following members on General Council of Ravindra Bhavan, Curchorem-Goa with effect from 01-01-2016.

1. Shri Rudresh G. Prabhu Tendulkar, H. No. 1092, Shiv Ashirwad, Opp. Power Station, Pontemol, Curchorem-Goa;
2. Shri Jeetendra alias Navin J. Khandekar, H. No. 712, Saraswati Niwas, Pontemol, Curchorem-Goa;

3. Shri Felix Fernandes, H. No. 1151, Dabamol, Curchorem-Goa;
4. Shri Riyaz Sheikh, "Zahida Manzil" Carrimodi, Curchorem-Goa;
5. Ms. Jasmina Braganza, H. No. 407/2, Cariamoddi, Curchorem-Goa;
6. Ms. Anita M. Naik, H. No. 480, Khandiwada, Curchorem-Goa;
7. Shri Joquim Fernandes, H. No. 769, Vodlemol, Kakoda, Curchorem-Goa;
8. Shri Jaikumar Damodar Khandekar, H. No. 841/3, Khandiwada, Curchorem-Goa;
9. Shri Bhiku Dattu Prabhu Dessai, H. No. 214, Lingawada, Kakoda, Curchorem-Goa;

By order and in the name of the Governor of Goa.

*Prasad Lolayekar*, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 10th December, 2015.

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### Department of Environment

#### Notification

No. 7/17/92/STE/Part/1294

In exercise of the powers conferred by Section 22 of the Biological Diversity Act, 2002 (Central Act No. 18 of 2003), the Government of Goa is pleased to re-constitute the Goa State Biodiversity Board (GSBB) with following composition for the purpose of the said Act, with effect from the date of publication of this notification in the Official Gazette:-

- |   |                      |
|---|----------------------|
| 1. Hon'ble Minister for Environment   | — Chairman.          |
| 2. Principal Chief Conservator of Forests, Department of Forests, Government of Goa   | — Ex officio Member. |
| 3. Chief Engineer, Water Resources Department, Government of Goa                      | — Ex officio Member. |
| 4. Director, Directorate of Agriculture, Government of Goa                            | — Ex officio Member. |
| 5. Director, Directorate of Fisheries, Government of Goa                              | — Ex officio Member. |
| 6. Director, Directorate of Animal Husbandry & Veterinary Services, Government of Goa | — Ex officio Member. |
| 7. Dr. Antonio Mascarenhas, Dona Paula, Goa   | — Expert Member.     |

- |   |                     |
|---|---------------------|
| 8. Dr. Bhiva Malik, Porvorim-Goa            | — Expert Member.    |
| 9. Shri Parag Rangnekar, Vasco-da-Gama, Goa | — Expert Member.    |
| 10. Shri Nirmal Kulkarni, Mapusa-Goa        | — Expert Member.    |
| 11. Shri Pradip Sarmokadam, Taleigao-Goa    | — Member Secretary. |

2. The term of the Goa State Biodiversity Board (GSBB) shall be a period of three years from the date of publication of this notification in the Official Gazette.

3. Functions, powers, particulars of financial accounts and audit and terms of reference of the Goa State Biodiversity Board are specified under the Biological Diversity Act, 2002 (Central Act No. 18 of 2003).

4. The sitting fees, travelling allowance and dearness allowance etc. shall be paid in accordance with the concerned rules of the Government.

By order and in the name of the Governor of Goa.

*Srinet N. Kothwale*, Director & ex officio Joint Secretary (Environment).

Saligao, 14th December, 2015.

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### Department of Finance

#### Revenue & Control Division

#### Order

No. 3/25/2015-Fin (R&C)

Read: D.O. No. 31011/01/2012-SO (ST) dated 28-08-2015, Government of India, Ministry of Finance, Department of Revenue, New Delhi.

1. Government of India proposed to introduce Goods and Service Tax (GST) in the Country with effect from the financial year 2016-17. The National Level Empowered Committee is deliberating and discussing with all the States and coming up with the timelines for its implementation. Accordingly, 122<sup>nd</sup> Draft Constitutional Amendment Bill is also under the consideration of the Parliament with the objective to implement the GST. Government of India has also registered a GST Network Company under Section 25 of the Company's Act, 1956, for developing network infrastructure for smooth implementation of GST.

2. Government of Goa has welcomed introduction of GST and commenced preparations for preparing various stakeholders for smooth migration to GST. Further, the State is in the process of initiating steps for making it ready in all spheres so that the migration from GVAT to GST will be smooth and without any interruptions. There are number of decisions to be taken in a time bound manner for making the State ready for GST regime and hence there is a need for empowered decision making body in the State.

3. Government is therefore, pleased to constitute State Level Empowered Committee on GST with the following composition:

- |  |                        |
|--|------------------------|
| (1) Secretary (Finance)                    | — Chairman.            |
| (2) Additional Secretary (Finance)         | — Member.              |
| (3) Joint Secretary (Law)                  | — Member.              |
| (4) State Informatics Officer, NIC         | — Member.              |
| (5) Technical Director, NIC                | — Member.              |
| (6) Commissioner of Commercial Taxes       | — Member.<br>Convener. |
| (7) Addl. Commissioner of Commercial Taxes | — Member.              |

4. The Committee is also empowered to co-opt representatives of other Departments/Technical expert/expert institutions as and when it is needed. The functions of the Committee are as follows:

- (i) To review the preparedness and provide guidance for smooth migration from the existing tax system to GST.
- (ii) To decide on the IT infrastructure and training requirements for the introduction of GST.
- (iii) To evaluate the IT preparedness and approve the proposals for creation of IT platform/infrastructure for GST models.
- (iv) To decide on other proposals for implementation of GST with a Single Window Clearance so as to accord both Administrative and financial sanction for the purpose.
- (v) To advise the department and the Government on matters related to GST and the position to be taken at the National Level Empowered Committee Meetings.

5. The Committee shall meet once in a month or as often as it is required.

By order and in the name of the Governor of Goa.

*Ajit S. Pawaskar*, Under Secretary, Finance (R&C).

Porvorim, 9th December, 2015.

## Department of Home

Home—General Division

### Order

No. 2/51/2000-HD(G)/Vol.I/3729

Read: 1) Order No. 2/51/2000-HD(G)/Part dated 14-12-2007.

2) Corrigendum No. 2/51/2000-HD(G)/Part dated 09-12-2014.

The Government of Goa hereby further amends the Government order No. 2/51/2000-HD(G)/Part dated 14-12-2007, published in the Official Gazette, Series II No. 39 dated 27-12-2007 (hereinafter referred to as the "principal Order" as follows, namely:-

In the principal order, under the heading "For the Anjuna Coastal Belt", after the entry (b), the following entry shall be inserted namely:-

"(c) Mr. Ramesh Tukaram Naik,  
H. No. 1608/2, Grande Chivar,  
Anjuna, Bardez-Goa".

By order and in the name of the Governor of Goa.

*Neetal P. Amonkar*, Under Secretary (Home).

Porvorim, 4th December, 2015.

### Order

No. 1/49/2015-HD(G)/3764

The constitution of Departmental Selection Committee for the post of Police Sub-Inspector in the Police Department shall be as follows:-

- |                                       |             |
|---------------------------------------|-------------|
| 1. Deputy Inspector General of Police | — Chairman. |
| 2. Superintendent of Police (HQ)      | — Member.   |
| 3. Under Secretary (Home-II)          | — Member.   |

The order shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

*Neetal P. Amonkar*, Under Secretary (Home).

Porvorim, 8th December, 2015.

Office of the Director General of Police

### Order

No. CA-I/224/(Vol.II)/Prom. Dy. SP/12123/2015

Read: Order No. CA-I/108(P)/Vol.IV/7524/2014 dated 05-08-2014.

The ad hoc promotion of the following Junior Scale Officers (Dy. Superintendent of Police of Goa Police Service is hereby extended as shown below:-

Sl. No.	Name & Place of Posting	Extension period of ad hoc promotion
1.	Smt. Maria Monseratte, Dy. S. P. (FRRO), Panaji	05-08-2015 to 31-01-2016.
2.	Shri Anthony Monseratte, Dy. S. P. (GRP 'E' Coy), Altinho	05-08-2015 to 31-01-2016.
3.	Shri Ramesh Y. Gaonkar, SDPO, Bicholim	05-08-2015 to 31-01-2016.
4.	Shri Nelson Alburquerque, SDPO, Porvorim	05-08-2015 to 31-01-2016.
5.	Smt. Sucheta B. Dessai, Dy. S. P. (SPCR), Panaji	05-08-2015 to 31-01-2016.
6.	Smt. Ezilda D'Souza, Dy. S. P. (EOC), Panaji	05-08-2015 to 31-01-2016.
7.	Smt. Sunita Sawant, SDPO, Ponda	05-08-2015 to 31-01-2016.
8.	Shri Dharmesh G. P. Angle, Dy. S. P. (Traffic North), Panaji.	05-08-2015 to 31-01-2016.

2. This issues with the concurrence of Goa Public Service Commission conveyed vide letter No. COM/II/11/37(1)/2013/1472 dated 24-11-2015 and approval of the Police Establishment Board.

*T. N. Mohan*, IPS, Director General of Police (Goa).

Panaji, 2nd December, 2015.

## Department of Housing

### Notification

No. 2/19/2007/HSG/Part/155

In exercise of the powers conferred by Section 4 read with sub-section (1) of Section 5 of the Goa Housing Board Act, 1968 (Act No. 12 of 1968) and in supersession of the Government Notification No. 2/19/2007-HSG/Part dated 24-05-2012, published in the Official Gazette, Series II, No. 9 dated 31-05-2012, the Government of Goa hereby re-constitutes the Goa Housing Board, with immediate effect, as follows, namely:-

- |   |   |                   |
|---|---|-------------------|
| (1) Shri Ticlo Glen J. V. A. E. Sousa, MLA, Aldona    | — | Chairman.         |
| (2) Shri Deepak Kalangutkar, Parsem, Goa              | — | Member.           |
| (3) Shri Vijay Chodankar, Porvorim, Bardez, Goa       | — | Member.           |
| (4) Shri Gokuldas Halarnkar, Pomburpa, Bardez, Goa    | — | Member.           |
| (5) Shri Vassudev Karpe, M.P.T. Colony, Mormugao      | — | Member.           |
| (6) Shri Girish Prabhu, Quitla, Aldona, Goa           | — | Member.           |
| (7) Shri Babu Raghoba Shetye, Sancoale, Cortalim, Goa | — | Member.           |
| (8) Managing Director, Goa Housing Board              | — | Member Secretary. |

By order and in the name of the Governor of Goa.

*Nilkant P. Singnapurker*, Joint Secretary (Housing).

Porvorim, 18th November, 2015.

## Department of Labour

### Notification

No. 28/1/2015-Lab/1024

The following award passed by the Labour Court-II at Panaji-Goa on 10-09-2015 in reference No. LC-II/IT/06/15 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Labour).

Porvorim, 25th November, 2013.

## IN THE LABOUR COURT-II

GOVERNMENT OF GOA

AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. Ref. LC-II/IT/06/15

Shri Abhay Devulkar,  
Rep. by the General Secretary,  
All Goa General Employees Union,  
2<sup>nd</sup> Floor, Mukund Building,  
Vasco da Gama-Goa ..... Workman Party I  
V/s

M/s. Hindustan Unilever Ltd.,  
Plot No. 128-139 & 324-326,  
Kundaim Industrial Estate,  
Kundaim-Goa ..... Employer/Party II

Workman/Party-I remained absent.

Employer/Party-II represented by Adv. Shri G. K. Sardessai.

Panaji, dated: 10-09-2015.

## AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 17-06-2015, bearing No. 28/30/2015-Lab/615, referred the following dispute for adjudication to the Labour Court II at Panaji, Goa.

"1. Whether the action of the management of M/s. Hindustan Unilever Limited, Plot No. 128-139 & 324-326, Kundaim Industrial Estate, Kundaim, Goa, in dismissing Shri Abhay Devulkar, Workman Grade A, with effect from 27-08-2014, is legal and justified?

2. If not, what relief the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/06/2015 and a registered A/D notice was issued to both parties. In pursuance to the said notice, the Employer/Party-II (for short, "Employer") put in their appearance through Adv. Shri A. Carvalho. The Workman/Party-I (for short 'Workman') was duly served by registered A/D post at the address of the General Secretary, All Goa General Employees Union, 2<sup>nd</sup> Floor, Mukund Building, Vasco da Gama-Goa. However, neither the General Secretary, All Goa General Employees Union, nor the Workman remained present in this Labour Court-II on the scheduled date of hearings without any justifiable cause, though ample opportunities were given to

him. Consequently no Claim Statement has been filed on behalf of the Workman. Ld. Adv. Shri A. Carvalho appearing for the Employer orally submitted that since the Workman did not file his claim statement, the Employer also do not wish to file its written statement.

3. Heard Ld. Adv. Shri A. Carvalho, appearing for the Employer.

4. In the case of **Baldev Singh V/s The Judge, Central Government Industrial Tribunal & Labour Court & ors., reported in 2007 II CLR 685**, the Hon'ble High Court of Rajasthan by referring the judgment of Hon'ble Apex Court in the case of **Virendra Bhandri V/s Rajasthan State Road Corporation Ltd., & ors reported in (2002) 9 SCC** observed as under:

*".....a reference of certain Industrial Dispute was made to the Industrial Tribunal-cum-Labour Court. The workman did not appear before the Tribunal, therefore, Tribunal held that there remains no Industrial Dispute. However, subsequently, the Appropriate Government again referred the dispute to the Tribunal on the same question and on this occasion, the Tribunal adjudicated the matter and made an award. The High Court held that the finding recorded by the Tribunal in the first reference amounted to an "award" and, therefore, second reference was incompetent. The Hon'ble Apex Court held that all that was stated was that the parties concerned had not appeared before the Tribunal and in such an event, the Tribunal should have noted its inability to record the finding on the issue referred to it, not that the dispute itself does not exist. When there is no adjudication of the matter on merits, it cannot be said that the industrial dispute does not exist. If the industrial dispute still exists as is opined by the Government, such a matter can be referred under Section 10 of the I.D. Act, as Industrial Disputes are preferred to the Labour Court or the Industrial Tribunal for maintenance of industrial peace and not merely for adjudication of the dispute between two private parties. Therefore, it was permissible for the Government to have made the second reference. ....".*

The principle laid down by the Hon'ble High Court in its aforesaid judgment binds a precedent upon me.

5. Applying the law laid down by the Hon'ble High Court in its aforesaid judgment, in the case in hand no pleadings have been filed by the workman as well as Employer before this court and as such I am unable to record the findings on the issue referred to me.



6. In the circumstances, I pass the following order:

ORDER

1. It is held that this court is unable to record the finding on the issue referred by the Appropriate Government.
2. No order as to costs.
3. Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar )  
Presiding Officer  
-Labour Court-II

Notification

No. 28/1/2015-Lab/1026

The following award passed by the Labour Court-II at Panaji-Goa on 15-09-2015 in reference No. LC-II/IT/13/12 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Labour).

Porvorim, 25th November, 2013.

IN THE LABOUR COURT-II

GOVERNMENT OF GOA

AT PANAJI

(Before **Shri Suresh N. Narulkar, Hon'ble Presiding Officer**)

Case No. Ref. LC-II/IT/13/12

Shri Pravin Nanodkar,  
R/o. H. No. 1729, Salpem,  
Candolim, Bardez-Goa. .... Workman/Party I  
V/s

M/s. Andrew Telecommuni-  
cations (India) Pvt. Ltd.,  
Plot No.N-2, Phase IV,  
Verna Industrial Estate,  
Verna, Salcete-Goa. .... Employer/Party II

Workman/Party I represented by Adv. Shri A. Kundaikar.

Employer/Party II represented by Adv. Shri P. Chawdikar.

Panaji, dated: 15-09-2015.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 04-12-2012, bearing No. 28/39/2012-LAB/651 referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court, Panaji-Goa, in turn assigned the present dispute to this Labour Court-II vide her order dated 17-12-2012.

“(1) Whether the action of the management of M/s. Andrew Telecommunications (India) Private Limited, Verna, Goa, in dismissing from service Shri Pravin Nanodkar, Operator, with effect from 30-09-2011, is legal and justified?

(2) If not, what relief the Workman is entitled to?”

2. On receipt of the reference, a case was registered under No. LC-II/IT/13/12 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 18-03-2013 at Exb-5. The facts of the case in brief as pleaded by the Workman are that he joined in the services of the Employer/Party II (for short, "Employer") with effect from 23-07-2002 on a monthly salary of Rs. 3,500/-. He stated that he was designated as 'Operator' on 01-07-2003 and was paid Rs. 7,528/- p.m. after revision in his wage. He stated that he was transferred to Chowgule warehouse at Vasco in the year 2006, after formation of the union. He stated that he was again transferred to Verna warehouse in the year 2009. He stated that in the year 2010, he was transferred to packing and kitting department in the factory of the Employer at Verna Industrial Estate, Verna, Salcete-Goa. He stated that he was issued the attendance award in appreciation of the work performed by him in five years of his service, which contributed the growth and success of the Employer. He stated that he was also issued Attendance Award for the perfect attendance during the fiscal year 2004 and 2005. He stated that he was also awarded performance award for 100% team achievement for on time order delivery to customer for the month of March, April and May, 2003. He stated that he was also conferred with five years anniversary gift choices.

3. He stated that he was issued a charge-sheet dated 06-07-2010 alleging irregularities pertaining to the daily performance sheet report and

absenteeism. He stated that he was charged with the following misconducts as per the Certified Standing Orders of the Company, namely:-

- a) *Clause NN (02)*: Willfully slowing down in performance of work or abetment or instigation thereof;
- b) *Clause NN (04)*: Habitual absence without leave or absence without leave for more than 15 consecutive days or overstaying the sanctioned leave without sufficient ground or proper or satisfactory explanation.
- c) *Clause NN (07)*: Habitual breach of any standing order or any law applicable to the establishments or any rules made thereunder.
- d) *Clause NN (10)*: Drunkenness, riotous, disorderly, indecent or improper behavior on the premises of the establishment or outside the premises of the establishments if it adversely affects or is likely to affect the working or the discipline of the establishments;
- e) *Clause NN (11)*: Commission of any acts subversive of discipline or good behaviors on the premises of the establishment or any place outside the premises;
- f) *Clause NN (12)*: Habitual neglect of work or gross habitual negligence or gross neglect of work or malingering.
- g) *Clause NN (20)*: Failure to observe safety rules or instructions notified by the Employer or failure to use safety devices or equipment or interference with any safety device or equipment installed within the establishment.
- h) *Clause NN (21)*: Breach of any rules or instructions given by superiors for proper functioning or safety of the establishment.
- i) *Clause NN (22)*: Willful insubordination or disobedience (whether or not in combination with another) of any lawful and reasonable order of superior;
- j) *Clause NN (25)*: Refusal to accept the charge-sheet, order or other communication, from the Management served in accordance with Standing Orders;
- k) *Clause NN (32)*: Loitering, idling or wasting time or not working during working hours or being within the establishments after authorized hours of work without permission.
- l) *Clause NN (40)*: Use of impolite or insulting or abusive Language, assault or threat of assault, either provoked or otherwise

intimidation or coercion within the precincts of the Company against any employee of the Company/firm or Officers or Customers or any other person authorized to work in the Company and any such act outside the premises of the Company, if it directly affects or is likely to affect the discipline or work or business of the establishment;

- m) *Clause NN (49)*: Pursuance of any conduct against the interest of the Company/ Employer;
- n) *Clause NN (50)*: Poor or unsatisfactory Workmanship/poor performance.
- o) *Clause NN (62)*: Refusal to wear uniforms/ safety apparels by the company while on duty.

4. He stated that he had filed his reply dated 06-07-2010 to the aforesaid charge-sheet issued to him. He stated that thereafter the Employer was pleased to hold an enquiry in respect of the above charge-sheet issued to him by appointing Shri Ajay V. Kadam, an Advocate as an Enquiry Officer. He stated that Mr. Kishore Baligar was appointed as Management Representative in the said enquiry. He stated that he was placed under suspension vide letter of the Employer dated 06-07-2010. He stated that after conclusion of the enquiry, the Enquiry Officer submitted his findings dated 14-09-2011 to the Employer. He stated that thereafter the Employer issued him dismissal order dated 30-09-2011. He stated that aggrieved by the order of dismissal issued by the Employer as aforesaid, he raised an industrial dispute in the matter of his illegal dismissal from service and demanded for withdrawal/revocation of the order of dismissal dated 30-09-2011 and for his reinstatement in service with full back wages and continuity in service, which ended in failure.

5. The Workmen contended that the enquiry conducted against him was not fair and proper and was in breach of violation of the principles of natural justice and therefore his dismissal based on the findings of the enquiry is illegal and bad-in-law. He submitted that the impugned order suffers from inherent defects. He submitted that the findings of the Enquiry Officer are not fair, proper and are not based on evidence on record. He submitted that the Employer failed to issue second show-cause notice to him before terminating him from services. He submitted that action of the Employer in terminating his services is smacks of malafied and is an ex-facie instance of unfair labour practice. He submitted that the termination order has been issued only to victimize him. He

submitted that there is no acceptable evidence on record to prove the charges of misconduct, on the contrary the documentary evidence on record are in his favour. He submitted that the charge-sheet was vague and vagueness in the charge-sheet has been prejudiced by itself in taking him defense. He therefore submitted that the invocations of the clauses of the Certified Standing Orders are not warranted. He submitted that the Enquiry Officer has not given any reasons while arriving at conclusion. He submitted that the Enquiry Officer failed to consider that the burden was on the Employer to prove the charges by leading cogent evidence and not by placing negative burden on the workman to prove that he had not committed any misconduct.

6. He submitted that the charge against him that he was not giving the expected production and as such he was consistently underperforming despite being informed continuously of his poor performance, was neither willful nor deliberate as it was on account of various factors such as break down in machines, non-working of counter reading of the machine, non-availability of forklifts drivers in time, order not being issued in time by the team leader, non-consideration of the scrap work done by him while calculating the efficiency, non-maintenance of machinery etc. He submitted that he was charged for underperforming only on flimsy grounds. He submitted that he could not have been charged with for the misconduct namely Clause NN (22) and clause NN (25) as the union has raised an industrial dispute pertaining to the same. He submitted that the Enquiry Officer erred in arriving at a conclusion that he was guilty of the charges only on the basis of witnesses which were working in managerial/supervisory capacity and not of the workman category, who could have been appropriate witnesses to prove the charges. He submitted that the punishment of dismissal imposed upon him is excessive and disproportionate to the charges of misconduct allegedly proved against him. He submitted that the Enquiry Officer erred in imparting/applying his own personal knowledge to the facts of the case for arriving at a conclusion that he is guilty of the charges of misconduct as spelt out in the charge-sheet issued to him. He submitted that the reasoning adopted by the Enquiry Officer to arrive at the findings are erroneous and de hors the evidence on record.

7. He submitted that he is unemployed from the date of retrenchment till date. He submitted that he had approached several offices for employment, but he could not succeed in getting employment.

He submitted that he could not get employment on account of his age. The Workman therefore prayed to pass an award holding that the enquiry conducted against him is not fair and proper and is in breach of principles of natural justice and that the findings of the Enquiry Officer be quashed and set aside. The Workman further prayed that the Employer be directed to reinstate him in services with full back wages and continuity in service.

8. The Employer controverted the claim of the Workman by filing their written statement which is on record at Exb. 6. The Employer, by way of preliminary objections submitted that the present reference filed by the Workman is bad-in-law and hence not maintainable. The Employer submitted that the Workman has not given any justification for the demands/claims raised by him. The Employer submitted that the present dispute of the Workman is not an "Industrial Dispute" as defined under the Industrial Disputes Act, 1947. The Employer submitted that there is non-application of mind by the Appropriate Government while referring the present dispute.

9. The Employer stated that it is a company registered under Companies Act, 1956 and is engaged in manufacturing of telephone equipments. The Employer stated that its factory was earlier situated at Pilerne Industrial Estate. The Employer stated that all the workmen have been shifted from Pilerne Industrial Estate Factory to the facility built up at Verna Industrial Estate. The Employer admitted that the Workman was appointed as an 'Operator' on 01-07-2003 on probation. The Employer admitted that the wages of the Workman were revised and he was paid consolidated salary of Rs.7,528/- per month vide their letter dated 25-04-2007.

10. The Employer admitted that the charge-sheet dated 06-07-2010 was issued to the Workman. The Employer admitted that it was alleged that the acts mentioned in the said charge-sheet on the part of the Workman amounts to misconducts as per the Certified Standing Orders applicable to the Workman. The Employer stated that the Workman was further called upon to submit his explanation to the said charge-sheet on or before 13-07-2010. The Employer stated that prior to the issuance of charge-sheet, several memorandum and show-cause notices were issued to the Workman. The Employer stated that the Workman also filed his reply to the said show-cause notices, but the said replies were found unsatisfactory.



11. The Employer admitted that it has conducted an enquiry against the Workman by appointing Mr. Ajay A. Kadam, as an Enquiry Officer. The Employer stated that initially Mr. V. A. Lotlikar acted as Defense Representative of the Workman in the said Enquiry and subsequently Mr. Pravin Naik acted as a Defense Representative of the Workman in the said Enquiry. The Employer stated that Mr. Kishor Baligar acted as a Management Representative in the said Enquiry. The Employer stated that the Enquiry Officer, Mr. Ajay A. Kadam, submitted his findings/report dated 14-09-2011 holding the Workman guilty of the charges levelled against him in the said charge-sheet issued to him. The Employer stated that from the records, it can be seen that the Enquiry Officer conducted the enquiry by following the principles of natural justice and every conceivable opportunity had been extended by the Enquiry Officer to the Workman to participate in the enquiry proceeding as well as to defend charges levelled against him. The Employer stated that the Findings/Report of the Enquiry Officer is based on the evidence on record and the Enquiry Officer had appreciated the evidence as mentioned in his findings dated 14-09-2011.

12. The Employer stated that they issued a copy of the findings/Enquiry report to the Workman, calling upon explanation from him about the said report. The Employer stated that the Workman submitted his explanation. The Employer stated that they, being not satisfied with the said explanation and considering the gravity of proved misconduct, dismissed the Workman from the services with effect from 30-09-2011 by paying all his legal dues. The Employer stated that the dismissal of the Workman from the services is just, fair and proper. The Employer stated that in the event, if the enquiry is set aside on any of the grounds, they may be permitted to lead a fresh evidence before this Hon'ble Tribunal to prove the said charges. The Employer submitted that the termination by way of dismissal of the Workman is legal and justified.

13. Thereafter, the Workman filed his rejoinder at Exb.7. The Workman, by way of his rejoinder, reiterates all the submissions and averments made by him in his Claim Statement to be true and correct and denies all the statements and averments made by the Employer in their Written Statement, which are contrary and inconsistent with the statements and averments made by him.

14. Based on the pleadings filed by the respective parties, this court framed the following issues on 27-06-2013 at Exb. 8.

1. Whether a free, fair and proper enquiry has been conducted against the Workman/Party I in accordance with the principles of natural justice?
2. Whether the charges of misconduct levelled against the Workman/Party I vide charge sheet dated 06-07-2010 are proved to the satisfaction of this court by an acceptable evidence?
3. Whether the Workman/Party I proves that the action of the Employer/Party II in dismissing him from services w.e.f. 30-09-2011 is illegal and unjustified?
4. Whether the Employer/Party II proves that the present order of reference issued by the Government of Goa is bad-in-law in view of the reasons mentioned in para (i) to (iv) of its written statement?
5. Whether the Workman/Party I proves that he is entitled to any relief?
6. What Order? What Award?
15. My answers to the aforesaid issues are as under:
  - (a) Issue No. 1 : In the affirmative.
  - (b) Issue No. 2 : In the affirmative except the charge at clause No. NN (40).
  - (c) Issue No. 3 : In the negative.
  - (d) Issue No. 4 : In the negative.
  - (e) Issue Nos. 5 and 6 : As per final order.

#### REASONS

16. *Issue Nos. 1 and 2:* Vide order dated 11-12-2014, passed in my findings on the preliminary issue Nos. 1 & 2, I have come to the conclusion and held that a fair and proper enquiry has been conducted against the Workman, in accordance with the principles of natural justice, read with provisions of the certified standing orders of the Employer Company. It is further held that except the charge of misconduct at Clause NN (40) of the Certified Standing Order of the Employer Company, the management has successfully proved all the charges of misconduct levelled against the Workman vide charge sheet dated 06-07-2010. The Issue Nos. 1 and 2 are therefore answered in the affirmative.

17. *Issue No. 4:* I am deciding the issue No. 4 first, prior to the issue No. 3 as the said issue No. 4 touches the very root jurisdictions of this court.

The Employer, in its written statement filed in the present proceedings, as and by way of preliminary objections contended that the present reference is bad-in-law and not maintainable, that the workman has not given any justification for the demands/claims raised by him and that the present dispute raised by the workman is not an 'industrial dispute' as defined under the Industrial Disputes Act, 1947. The burden to prove the aforesaid contentions are therefore on the Employer.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties. I have also carefully considered the oral submissions made by the Ld. Advocates appearing for the respective parties. I have also carefully perused the records of the present case, which includes the synopsis of written arguments filed on behalf of the Employer.

18. The Employer, in its written statement filed in the present proceeding, as and by way of preliminary objections, contended that the present reference is bad-in-law, that the workman has not given any justification for the demands/claims raised by him and that the present dispute raised by the workman is not an 'industrial dispute' as defined under the Industrial Disputes Act, 1947 etc. The said pleadings of the Employer are vague in nature, as it does not disclose any justification in support of its pleadings. The Employer has also failed to produce on record any material evidence, either oral or documentary, in support of its aforesaid allegations.

19. Even otherwise, in the case in hand, it is not in dispute that the Party I is a 'workman' within the meaning of Section 2(s) of the I.D. Act, 1947. It is also not in dispute that the Party II Company is an 'Employer' within the meaning of Section 2(j) of the I.D. Act, 1947. Hence, the present dispute raised by the workman against the Employer pertaining to his non-employment is an 'industrial dispute' within the meaning of Section 2 (k) of the I. D. Act, 1947 and as such this court has every jurisdiction to adjudicate the present reference. Consequently the Employer failed to prove its allegations that the reference is bad-in-law for any reasons and that the workman has not given any justification for the demands/claims raised by him and that the present dispute raised by the workman is not an 'industrial dispute' as defined under the Industrial Dispute Act, 1947 etc. The issue No. 4 is therefore answered in the negative.

20. *Issue No. 3:* I have heard the oral arguments of the Ld. Adv. Shri A. Kundaikar, appearing for the Workman as well as Ld. Adv. Shri P. Chawdikar,

appearing for the Employer. Ld. Adv. Shri P. Chawdikar appearing for the Employer, also chose to file synopsis of Written Arguments on behalf of the Employer.

21. Ld. Adv. Shri A. Kundaikar, appearing for the Workman, during the course of his oral arguments submitted that the Workman was working with the Employer Company from 23-07-2002 continuously till the date of termination of his services w.e.f. 30-09-2011. He submitted that the Workman was confirmed employee of the Employer, having unblemished service record. He submitted that the Workman was rewarded several times for his meritorious services by the Employer. He submitted that all the charges of misconducts levelled vide charge-sheet dated 06-07-2010 and proved against the Workman are not grave and serious, which warranted the punishment of dismissal from service. He submitted that the Employer Company has failed to take into consideration the past unblemished record as well as long meritorious service of the Workman, while dismissing him from services. He submitted that though the Workman was working as Operator w.e.f. 23-07-2002 till the date of termination of his services, he was charged for poor performance for three months only, which is a very short period. He submitted that the Employer in para 11 of its synopsis of written arguments highlighted that the past record of the Workman was blemished, however, the said records were part and parcel of the enquiry proceedings. He submitted that the Employer shall take into account any extenuating or aggravating circumstances along with past service records of the Workman while imposing punishment and relied upon a judgment of Hon'ble High Court of Bombay, in the case of **Indian Seamless Metal Tubes Limited (Tubes Works), Ahmednagar v/s. Kailash Nampelli Ushakoyal & Anr., reported in 2014 III CLR 47**. He therefore submitted that the action of the Employer in dismissing the Workman w.e.f. 30-09-2011 is illegal and unjustified.

22. On the contrary, Ld. Adv. Shri P. Chawdikar, representing the Employer during the course of his oral arguments submitted that the Workman has challenged his order of dismissal, mainly, by contending that the enquiry conducted against him, is in violation of principles of natural justice and that the charges of misconduct levelled against him, have not been proved by an acceptable evidence to the satisfaction of this court and the punishment awarded to him is too severe and disproportionate to the charges of misconduct levelled and proved against him. He submitted that

vide order dated 11-12-2004, passed in the findings on the preliminary issue Nos. 1 and 2, this Hon'ble court had already come to the conclusion and held that a fair and proper enquiry has been conducted against the Workman, in accordance with the principles of natural justice, read with the provisions of the certified standing orders of the Employer Company and that except the charge of misconduct at clause No. NN (40) of the CSO levelled against the Workman, all the charges of misconducts levelled against him, vide charge-sheet dated 06-07-2010 have been successfully proved by acceptable evidence to the satisfaction of this court. He submitted that the charges of misconducts proved against the Workman are so serious that even after taking into consideration the past service records as well as extenuating circumstances, the seriousness of the proved charges of misconducts does not reduce the seriousness of the punishment of dismissal, meted out to the Workman. He submitted that the punishment of dismissal issued to the Workman is just, fair and proper and proportionate to his proved misconduct. He submitted that in terms of Section 11-A of the I.D. Act, 1947, this court is empowered to alter or to reduce punishment imposed on the Workman, however, the said discretion is not absolute. He submitted that court can exercise its discretionary power u/s. 11-A of the I.D. Act only in certain circumstances.

23. He submitted that undisputedly, the charges of misconduct levelled and proved against the Workman are stated under clause No. NN(2), NN(4), NN(10), NN(11), NN(12), NN(20), NN(21), NN(22), NN(25), NN(32), NN(49), NN(50) and NN(62). He submitted that though the burden to prove the issue No. 3 is on the Workman, he has however, not led any evidence to prove the said issue. He submitted that the Employer has produced on record the past service record of the Workman. He submitted that taking into consideration the past service record of the Workman as well as gross and serious misconduct proved against the Workman, the punishment of dismissal meted out to him is just and fair. In support of his oral submissions, he relied upon the following judgments of Hon'ble Supreme Court of India.

- (a) In the case of **Mahindra and Mahindra Ltd. v/s. N. B. Narawade** reported in 2005 (I) CLR 803.
- (b) In the case of **Chairman & Managing Director, United Commercial Bank and Other v/s P. C. Kakkar.**, reported in 2003 LLR 436.

- (c) In the case of **M/s. Bharat Sugar Mills Ltd. v/s. Jai Singh and Ors.**, reported in (1962) 3 SCR 684.

I have also carefully considered the oral submissions made by the Ld. advocates appearing for the respective parties. I have also carefully perused the records of the present case, which includes the synopsis of written arguments filed on behalf of the Employer.

24. In the case in hand, the Workman challenged his order of dismissal dated 30-09-2011, issued by the Employer Company, by raising an Industrial Dispute before the Labour Commissioner and Conciliation Officer, Panaji-Goa. The said dispute raised by the Workman, before the Dy. Labour Commissioner, Margao-Goa, resulted in failure. The Dy. Labour Commissioner, Margao-Goa, accordingly made report on failure of conciliation proceedings to the Appropriate Government. The Government of Goa, thereafter in its discretionary power, referred the present Order of Reference, for its adjudication, by the Industrial Tribunal of Goa, vide its order dated 04-12-2012. It appears from the Claim Statement filed by the Workman, in the present proceedings that he challenged his order of dismissal w. e. f. 30-09-2011 issued by the Employer on various grounds, by contending to be illegal and unjustified. This court thereafter based on the pleadings filed by the respective parties framed certain issues on 27-06-2013 at Exb.8. Among the said issues, the issue Nos. 1 and 2, pertaining to the fairness of the enquiry and proving of the charges of misconduct by acceptable evidence have been treated as preliminary issues. The evidence on record indicates that the Workman also examined himself and produced on record, the entire records and proceedings of the enquiry conducted against him in support of his oral evidence. He was cross-examined by the Ld. Adv. Shri P. Chawdikar appearing for the Employer to the extent of preliminary issue No. 1 and 2, by reserving his right to cross-examine on the rest of the issues. The Workman, however, failed to lead any evidence on the other issues, especially, pertaining to his plea of unfair labour practice and victimization. Thus, it appears that though the burden to prove the issue No. 3 is on the Workman, he has failed to lead any material evidence to prove the said issue no.3. Hence, there exist a substance of merits in the submissions of Ld. Adv. Shri P. Chawdikar that the Workman has failed to adduce any evidence in support of his pleadings.



25. It appears from the pleadings of the Workman, filed in the present proceedings that the Workman has challenged his order of dismissal, mainly on the ground that the enquiry held against him, is not fair and proper and that the charges of misconduct levelled against him, vide charge sheet dated 06-07-2010 have not been proved to the satisfaction of this Court, by acceptable evidence. The Workman further contended that the punishment of dismissal from service meted out to him is as and by way of unfair labour practice and victimization for forming association of his choice for collective bargaining. The Workman finally contended that without prejudice and without admitting that the charges of misconduct are proved against him, the punishment of dismissal meted out to him is too harsh and disproportionate to the misconduct levelled and proved against him.

26. In the case of **Mahindra and Mahindra Ltd. v/s. N. B. Narawade** reported in 2005 (I) CLR 803, the Hon'ble Supreme Court has held that *"It is no doubt true that after introduction of Section 11-A in the I.D. Act, 1947, certain amount of discretion is vested with the Labour Court/Industrial Tribunal in interfering with the quantum of punishment awarded by the management where the workman concerned is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of this court referred to herein above and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion, which can be exercised under Sec. 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which require the reduction of the sentence or past conduct of the workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court cannot by way of sympathy alone exercise the power u/s. 11-A of the Act and reduce the punishment"*.

27. In the case of **Chairman & Managing Director, United Commercial Bank and Other v/s P. C. Kakkar.**, reported in 2003-LLR 436, the Hon'ble Supreme Court of India has held that *the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the Court, in the sense that it was in defiance of logic or moral standards. Only where the Court finds that a punishment is shockingly disproportionate it must record reasons for coming to such conclusion and mere expression*

*that the punishment is shockingly disproportionate could not meet the requirement of law. Further the charges against Respondent not being casual in nature, but being serious, the High Court was not justified in interfering with the quantum of punishment.*

28. The Principle laid down by the Hon'ble Supreme Court of India, in its aforesaid respective judgments is well established and there is no dispute about the same. Thus, it is settled law that the discretion of the court to alter or reduce the punishment as empowered u/s. 11-A of the I.D. Act, 1947 is not absolute. The discretion, which can be exercised u/s 11-A is available only on the existence of certain factors, like punishment being disproportionate to the gravity of misconduct, so as to disturb the conscience of the Court, or the existence of any mitigating circumstances, which requires the reduction of the sentence or the past conduct of the Workman, which may persuade the Labour Court to reduce the punishment.

29. Vide order dated 11-12-2014, passed in my findings on the preliminary issue Nos. 1 & 2, I have come to the conclusion and held that the domestic enquiry held against the Workman, in respect of charge sheet dated 06-07-2010 is fair and proper. It is further held that except the charge at clause No. NN (40), all the charges of misconducts leveled against the Workman vide charge-sheet dated 06-07-2010 have been proved to the satisfaction of this court, by acceptable evidence. Hence, the contentions of the Workman that no fair and proper inquiry has been conducted against him and that the charges levelled against him, vide charge sheet dated 06-07-2010, have not been proved at all, are without any merits.

Thus, the only question remains to be decided is that the punishment of dismissal from service meted out to the Workman is proportionate to the proved misconduct.

30. In the case in hand, the service conditions of the Workman is governed by the Certified Standing Orders of the Employer Company. Clause "NN" of the said Certified Standing Orders of the Company on record specified the "Acts of misconducts" and are 75 in numbers i.e. from NN (1) to NN (75). Similarly, under Clause "OO-Disciplinary Action" of the said Certified Standing Orders of the Employer Company listed different kinds of punishment to be awarded on its workmen, who have been found guilty of any of the misconduct stated therein. It appears from the said Certified Standing Order of the Employer Company on record that removal or dismissal from service without



notice or wages in lieu of such notice is the severest penalty that the Management could take against its Workmen. Clause "QQ" of the Certified Standing Orders of the Employer Company prescribe the penalty of warning, censuring or fine for the acts and omissions (which are illustrative and not exhaustive) namely: (a) absence without leave without sufficient cause, (b) late attendance, (c) negligence in performing duties, (d) neglect of work, (e) absence without leave without sufficient cause from appointed place of work, (f) entering or leaving or attempting to enter or leave the premises of the establishment, except by a gate or entrance notified, (g) committing nuisance on the premises of the establishment and (h) breach of any rules or instructions for the maintenance of the department. In terms of sub-clause (g) of clause 'OO' of its certified standing orders, the Manager shall take into consideration the gravity of misconduct and/ or the previous record of the Workman and/ or any other extenuating and/or any aggravating circumstances that may exist in awarding punishment under its certified standing orders.

31. In the case of **Indian Seamless Metal Tubes Limited (Tubes Works), Ahmednagar (supra)**, before the Hon'ble High Court of Bombay, the Workman was dismissed from service after having proved the charges of misconduct namely disobedience of the lawful order and refusal to accept a charge-sheet or a communication. The Workman challenged his dismissal by filing a complaint (ULP) before the Labour Court. The Labour Court partly allowed the complaint by its impugned judgment dated 05/09/1996 and the order of dismissal of the Respondent was held to be bad-in-law. The Petitioner challenged the judgment of the Labour Court by filing a revision petition before the Industrial Tribunal, which resulted in its dismissal. The Petitioner challenged the dismissal order of the Industrial Tribunal by filing a writ petition before the Hon'ble High Court. While dismissing the writ petition filed by the Petitioner, the Hon'ble High Court has observed as under:

*"25. In my view, the Employer is obliged to consider the past records since a clean and unblemished record operates as a mitigating factor to reduce the seriousness and the gravity of the misconduct proved against the Workman. Similarly, a bad/blemished past record would aggravate the seriousness and gravity of proved misconduct."*

Though the said judgment of the Hon'ble High Court of Bombay was based on model standing orders, unlike in the present case, which is based on the certified standing orders of the Employer, the principle laid down by the Hon'ble High Court is well established and also applicable to the case in hand.

32. The Workman was issued a dismissal letter dated 30-09-2011. In the said dismissal letter dated 30-09-2011 issued to the Workman, the Employer has stated that the charges leveled against the Workman, vide charge-sheet dated 06-07-2010 have been proved. The Employer further stated that after considering the gravity of the misconducts proved against the Workman and existence of no extenuating circumstances, they came to a conclusion that dismissal from service is the only appropriate punishment to meet the ends of justice and accordingly dismissed him from services at the close of working hours of 30-09-2011.

33. In the case of **M/s. Bharat Sugar Mills Ltd.(supra)**, the Hon'ble Supreme Court of India has observed that *"Go slow which a picturesque description of deliberate delaying of production by workmen pretending to be engaged in the factory is one of the most pernicious practices that discontented or disgruntled workmen sometime resort to. It would not be far wrong to call this dishonest. For, while thus delaying production and thereby reducing the output the workmen claim to have remained employed and thus to be entitled to full wages. Apart from this also, "go slow" is likely to be much more harmful than total cessation of work by strike. For, while during a strike much of the machinery can be fully turned off, during the "go slow" the machinery is kept going on a reduced speed which is often extremely damaging to machinery parts. For all these reasons logo slow" has always been considered a serious type of misconduct."*

The law laid down by the Hon'ble Apex Court in its aforesaid judgment binds a precedent upon me.

34. In the case in hand, the charges of misconducts levelled and proved against the Workman, vide charge-sheet dated 06-07-2010 are willfully slowing down performance of work, habitual absence without leave, habitual breach of any standing order or any law applicable to the establishment or any rules made thereunder, commission of any acts subversive of discipline or good behaviour on the premises of the establishment, habitual neglect of work or gross or habitual negligence or gross neglect of work,

failure to observe safety rules or instructions notified by the Employer or failure to use safety devices or equipments, breach of any rules of instructions given by superiors for proper functioning or safety of the organization, willful insubordination or disobedience (whether or not in combination with another) of any lawful and reasonable order of a superior, refusal to accept a charge-sheet, order or other communication from the management served in accordance with these standing orders, loitering, idling or wasting time or not working during working hours, pursuance of any conduct against the interest of the Employer, poor or unsatisfactory workmanship/poor performance and refusal to wear safety apparels by the Company while on duty. The charges of misconducts levelled and proved against the Workman are plural, habitual and committed on different occasions. The daily performance shift report of the Workman from 01-04-2010 till 30-06-2010 (Exb. 36-colly of the enquiry proceedings) which is part and parcel of the records and proceedings of the enquiry on record clearly indicates that most of the days the Workman has completed nil ("0") works against its planned/expected quantity for the aforesaid period. The Workman has even failed to give any proper and satisfactory justification for his aforesaid misconduct of poor performance, by way of his reply to the show-cause notice issued to him.

35. The aforesaid charges of misconduct proved against the Workman are grave and serious in nature. The evidence on record indicates that the Workman was working as operator with the Employer since 01-07-2003 till the date of termination of his services w.e.f. 30-09-2011. The evidence on record indicates that the Workman was issued the attendance award in appreciation of the work performed by him in five years of his service, which contributed the growth and success of the Employer. The evidence on record indicates that the Workman was also issued attendance award for the perfect attendance during the fiscal year 2004 and 2005. The evidence on record indicates that the Workman was also awarded performance award for 100% team achievement for on time order delivery to customer for the month of March, April and May, 2003. Thus, the gravity of misconducts proved against the Workman are so serious that even after considering the aforesaid mitigating circumstances and his past records could not dilute/reduce the seriousness of the said charges of misconducts proved against the Workman and consequently, the punishment of dismissal from service meted out to him. In the

circumstances, the punishment of dismissal from service meted out to the Workman cannot be said to be severe and disproportionate to the proved misconduct so as to disturb the conscience of the court and which persuade the Labour Court to reduce the punishment. The entire action of the Employer in dismissing the Workman from its services is just, fair and legal. It is therefore held that the Workman failed to prove that the action of the Employer in dismissing the Workman from services w.e.f. 30-09-2011 is illegal and unjustified. The issue No. 3 is therefore answered in the negative.

36. Issue No. 5: While deciding the issue No. 3 herein above, I have come to the conclusion and held that the action of the Employer in dismissing the Workman from service w.e.f. 31-09-2011 is legal and justified. The Workman is therefore not entitled to any relief. The issue No. 5 is therefore answered in the negative.

In view of the above, I proceed to pass the following Order:

#### ORDER

1. It is held that the action of the Management of M/s. Andrew Telecommunications India Private Limited in dismissing the services of its Workman, Shri Pravin Nanodkar, Operator, w. e. f. 30-09-2011 is legal and justified.
2. The Workman Shri Pravin Nanodkar is therefore not entitled to any relief.
3. Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar)  
Presiding Officer  
-Labour Court-II.

Office of the Commissioner, Labour and  
Employment

#### Order

No. CLE/(RIA-05)/2008/5846

Read: Order No. CLE/(RIA-05)/2008/55015  
dated 21-10-2014.

In partial modification of the above order, the following Officers are hereby appointed as Public Information Officer for area of their jurisdiction shown against the names to deal with the applications received from the public under the Right to Information Act, 2005.

Sr. No.	Name of the Officer & designation	Public Information Officer	Area of operation
1.	Smt. Asha Khaunte, Dy. Labour Commissioner, Panaji-Goa (In her absence) Shri Milind P. Govekar, Assistant Labour Commissioner, Panaji-Goa	Public Information Officer	North Goa District.

*F. Rodrigues*, Commissioner (Labour and Employment).

Panaji, 1st December, 2015.

### Department of Law & Judiciary

Law (Establishment) Division

#### Order

No. 8/33/2005-LD(Estt.)/Part/2543

Government of Goa is pleased to order the transfer and posting of the following Civil Registrars-cum-Sub-Registrars, Group 'B', Gazetted Officers of Registration Department, in public interest with immediate effect.

Sr. No.	Name of the Civil Registrar-cum-Sub-Registrar	Present place of posting	Place of transfer
1.	Shri Chandrakant Pissurlekar	Civil Registrar-cum-Sub-Registrar, Dharbandora	Civil Registrar-cum-Sub-Registrar, Salcete.
2.	Shri Suraj Vernekar	Civil Registrar-cum-Sub-Registrar, Salcete	Civil Registrar-cum-Sub-Registrar, Dharbandora.

The above Officers shall complete the process of handing over/taking over of charge and submit compliance.

By order and in the name of the Governor of Goa.

*Amul S. Gaunker*, Under Secretary (Estt.).

Porvorim, 4th December, 2015.

### Department of Legal Metrology

Office of the Controller, Legal Metrology

#### Order

No. 1/77/15-CLM/976/2864

On recommendation of the DPC as conveyed by the Goa Public Service Commission, vide its letter No. COM/II/11/62(1)/2011/1277 dated 18th November, 2015, the Government is pleased to promote Shri D. P. Kholkar, Assistant Controller, Legal Metrology, Group 'B', Gazetted Officer, to the post of the Controller, Legal Metrology, Group 'A', Gazetted, in the pay scale of PB—3 Rs. 15,600-39,100 + Grade Pay Rs. 5,400/-, on regular basis, in the Office of the Controller, Legal Metrology, Porvorim, with immediate effect.

2. He shall be on probation for a period of two years.

3. The expenditure thereon is debitable to the Budget Head 3475—Other General Economic Services; 00—; 106—Regulation of Weights and Measures; 01—Metric System (Non-Plan); 01—Salaries.

By order and in the name of the Governor of Goa.

*B. R. Singh*, Secretary (Legal Metrology).

Porvorim, 4th December, 2015.

### Department of Personnel

#### Order

No. 6/19/2014-PER/3934

Read: Order No. 6/3/2002-PER dated 17-11-2008.

Whereas the Government has finalized the seniority of Officers of Goa Civil Service as per Ombudsman Report vide Memorandum dated 24-06-2014 and was subsequently vide Order dated 12-11-2014, the said Memorandum was treated as final seniority of Junior Scale Officers of Goa Civil Service as on 2006;

And whereas Shri Prasanna Acharya & Others had filed a Writ Petition No. 205 of 2014 in the Hon'ble High Court of Bombay at Goa & Hon'ble High Court vide its order dated 14-07-2014 observed that since the seniority list of Junior Scale Officers of Goa Civil Service is finalized, the petitioners are bound to get consequential benefits in terms of this memorandum;

And whereas a proposal was referred to the Goa Public Service Commission to review DPC held on 21-10-2008, of Junior Scale Officers of Goa Civil Service for promotion to Senior Scale Service of Goa Civil Service;

Now, therefore, on the recommendations of the Review Departmental Promotion Committee meeting held on 05-11-2015 conveyed by the Goa Public Service Commission vide its letter No. COM/II/11/42(2)/2011/1262 dated 06-11-2015, the Governor of Goa is pleased to promote on regular basis, under Rule 22 of Goa Civil Service Rules, 1997, as amended from time to time, the Junior Scale Officers as given below to the post of Senior Scale, on regular basis in the Pay Band of Rs. 15,600-39,100+GP 6,600/- in the following order of their merit with due regard to the seniority within their respective grading as on 21-10-2008:-

1. Shri Amarsen Rane.
2. Shri Joseph S. Monteiro.
3. Shri Prasad Lolayekar.
4. Shri Michael M. D'Souza.
5. Shri Nikhil U. Dessai.
6. Shri Prasanna A. Acharya.
7. Shri Vijay M. Paranjape.
8. Kum. Maria Olinda Fernandes.
9. Shri Y. B. Tavde.
10. Shri H. D. Mashelkar.
11. Shri T. S. Sawant.
12. Shri Dattaram G. Sardessai.
13. Shri Arvind D. Loliyekar.
14. Shri Arvind V. Bugde.
15. Shri Vallabh K. Kamat.
16. Shri Janardhan Pednekar.
17. Shri Levinson J. Martins.
18. Shri Shamsundar G. Korgaonkar.
19. Shri Sunil P. Masurkar.

The above officials shall exercise their option for fixation of pay in promotional grade in terms of provisions of F. R. 22(I)a(1), within one month. The option once exercised shall be final.

By order and in the name of the Governor of Goa.

*Surendra F. Naik*, Under Secretary (Personnel-II).

Porvorim, 2nd December, 2015.

## Department of Planning

Directorate of Planning, Statistics & Evaluation

### Notification

DPSE/IV/POPULATION CENSUS-2011/Fin./4792

Ref: Notification No. DPSE/IV/POPULATION CENSUS-2011/FIN/4406 dated 16-10-2015 published in the Official Gazette dated 19-11-2015.

This is in continuation with the above referred Notification in pursuance of sub-rule (4) of Rule 3 of the Citizenship (I of Citizens and Issue of National Identity Cards) Rules, 2003, the Central Government vide Order No. F. No. 9/35/2015 CRD(NPR) dated 25th June, 2015, published in the Gazette of India.

The Government of Goa hereby extends the time frame to carry of the updation of NPR database in the State of Goa for a period of another one month (31 days) with effect from the 1st December, 2015.

This has the approval of the Government and concurrence of the Finance Department vide U. O. No. 8151/F dated 07-12-2015.

By order and in the name of the Governor of Goa.

*Anand Sherkhane*, IES, Director & ex officio Addl. Secretary (Planning).

Porvorim, 2nd December, 2015.

## Department of Public Health

### Order

No. 35/8/2004-I/PHD (Part file)/2074

Read: Order No. 35/8/2004-I/PHD (B) dated 27-04-2007.

Government of Goa is pleased to reconstitute "District Quality Assurance Committee for Sterilization" for the District of North Goa comprising of the following members for implementation of the revised standards of sterilization:

1. Collector, North Goa District — Chairman.
2. Medical Superintendent-cum- — Convener.  
-Dy. Director, North Goa  
District Hospital, Mapusa
3. Health Officer, Community — Member.  
Health Centre, Pernem/  
/Primary Health Centre,  
Candolim



4. Senior Gynaecologist, North Goa District Hospital, Mapusa	— Member.	<b>Order</b> No. 35/8/2004-I/PHD (Part file)/2100
5. Senior Surgeon, North Goa District Hospital, Mapusa	— Member.	Read: Order No. 35/8/2004-I/PHD (A) dated 27-04-2007.
6. Senior Physician, North Goa District Hospital, Mapusa	— Member.	Government of Goa is pleased to reconstitute “State Quality Assurance Committee for Sterilization” for the State of Goa of the following members for implementation of the revised standards of sterilization:
7. Senior Anaesthetist, North Goa District Hospital, Mapusa	— Member.	1. Commissioner & Secretary — Chairman. (Health)/Mission Director (NHM)
8. Senior Paediatrician, North Goa District Hospital, Mapusa	— Member.	2. Director of Health Services — Convener.
9. Matron of North Goa District Hospital, Mapusa	— Member.	3. Dean, Goa Medical College — Member.
10. Seniormost Assistant Public Prosecutor, North Goa	— Member.	4. Medical Superintendent, — Member. Goa Medical College
11. Representative of Voluntary Health Association of Goa (VHAG)	— Member.	5. Principal of State Training — Member. Institution (SIHFW)
12. Representative from Bardez IMA	— Member.	6. Professor & HOD of OBG — Member. Department, Goa Medical College
The terms of reference of the Committee shall be as under:		7. Professor & HOD of Surgery — Member. Department, Goa Medical College
i) To review centres (public/private) providing family planning services in the District and ensure implementation of National Standards.		8. Professor & HOD of Anaes- — Member. thesiology Department, Goa Medical College
ii) To review and report deaths/complications due to sterilization in the District.		9. Professor & HOD of — Member. Paediatrics Department, Goa Medical College
iii) To review and report conception due to failure of sterilization in the District.		10. Medical Superintendent-cum- — Member. -Dy. Director, North Goa District Hospital, Mapusa
iv) Review quality assurance activities in the District.		11. Medical Superintendent-cum- — Member. -Dy. Director, Hospicio Hospital, Margao
v) To suggest measures to improve quality of family planning services.		12. Medical Superintendent- — Member. -cum Dy. Director, Sub-District Hospital, Ponda
vi) The Committee shall meet once in six months.		13. Principal of Institute of — Member. Nursing Education
vii) The Committee shall decide about compensation to be awarded to the Victims of sterilization as per the guidelines issued by the Government of India.		14. Dy. Director (Public Health), — Member. Directorate of Health Services
By order and in the name of the Governor of Goa.		15. President of Voluntary Health — Member. Association of Goa (VHAG)
<i>Maria Seomara De Souza</i> , Under Secretary (Health-II).		16. Under Secretary, Law (legal) — Member.
Porvorim, 6th October, 2015.		17. President of IMA — Member.
		18. President of Private — Member. Nursing Homes Association

19. Health Officer, Community — Member.  
Health Centre, Valpoi/Primary  
Health Centre, Chinchinim
20. Chief Medical Officer (FW) & — Member  
Nodal Officer for Quality Secretary  
Assurance (QA) Cell

The terms of reference of the Committee shall be as under:

- i) To review centres (public/private) providing family planning services in the State and ensure implementation of National standards.
- ii) To review and report deaths/complications due to sterilization in the State.
- iii) To review and report conception due to failure of sterilization in the State.
- iv) Review quality assurance activities in the State.
- v) To suggest measures to improve quality of family planning services.
- vi) The Committee shall meet once in six months.
- vii) The Committee shall decide about compensation to be awarded to the Victims of sterilization as per the guidelines issued by the Government of India.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 6th October, 2015.

#### Order

No. 35/8/2004-I/PHD (Part file)/2075

Read: Order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

Government of Goa is pleased to constitute "District Level Quality Assurance Committee (DQAC)" for the District of North Goa comprising of the following members:

1. Collector, North Goa District — Chairman.
2. Medical Superintendent-  
-cum-Dy. Director, North Goa — Convener.  
District Hospital, Mapusa
3. Health Officer, Community — Member.  
Health Centre Pernem/Primary  
Health Centre, Candolim
4. Senior Gynaecologist, North — Member.  
Goa District Hospital, Mapusa

5. Senior Surgeon, North Goa — Member.  
District Hospital, Mapusa
6. Senior Physician, North Goa — Member.  
District Hospital, Mapusa
7. Senior Anaesthetist, North — Member.  
Goa District Hospital, Mapusa
8. Senior Paediatrician, North — Member.  
Goa District Hospital, Mapusa
9. Matron of North Goa District — Member.  
Hospital, Mapusa
10. Seniormost Assistant Public — Member.  
Prosecutor, North Goa
11. Representative of Voluntary — Member.  
Health Association of Goa  
(VHAG)
12. Representative from Bardez — Member.  
IMA

The terms of reference of the committee shall be as under:

1. Dissemination of Quality Assurance policy and guidelines to all stakeholders.
2. Ensuring Standards for Quality of Care.
3. Review, report and process compensation claims for onward submission to the SQAC under National Family Planning Indemnity Scheme.
4. Incase a facility reports a sterilization related death, the Convener of the DQAC should inform the convener of the SQAC within 24 hours. Death audit needs to be undertaken by the DQAC and report send to the State with the copy to the Ministry of Health and Family Welfare, GOI, within one month of the death being reported.
5. Monitoring QA efforts in the district.
6. The DQAC will meet atleast once in a quarter and conduct periodic review of the progress of QA activities.
7. Supporting quality improvement process.
8. Co-ordination with the State.
9. Reporting.

This issues in supersession of the earlier order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 30th November, 2015.

**Order**

No. 35/8/2004-I/PHD (Part file)/2076

Read: Order No. 35/8/2004-I/PHD (C) dated 27-04-2007.

Government of Goa is pleased to reconstitute "District Quality Assurance Committee for Sterilization" for the District of South Goa comprising of the following members for implementation of the revised standards of sterilization:

- |   |   |           |
|---|---|-----------|
| 1. Collector, South Goa District  | — | Chairman. |
| 2. Medical Superintendent-cum-<br>-Dy. Director, Hospicio Hospital,<br>Margao                   | — | Convener. |
| 3. Health Officer, Community<br>Health Centre, Curchorem/<br>Primary Health Centre,<br>Cortalim | — | Member.   |
| 4. Senior Gynaecologist,<br>Hospicio Hospital, Margao   | — | Member.   |
| 5. Senior Surgeon, Hospicio<br>Hospital, Margao   | — | Member.   |
| 6. Senior Physician, Hospicio<br>Hospital, Margao   | — | Member.   |
| 7. Senior Anaesthetist, Hospicio<br>Hospital, Margao  | — | Member.   |
| 8. Senior Paediatrician, Hospicio<br>Hospital, Margao   | — | Member.   |
| 9. Matron of Hospicio Hospital,<br>Margao   | — | Member.   |
| 10. Seniormost Assistant Public<br>Prosecutor, South Goa  | — | Member.   |
| 11. Representative of Voluntary<br>Health Association of Goa<br>(VHAG)                          | — | Member.   |
| 12. Representative from Margao<br>IMA   | — | Member.   |

The terms of reference of the Committee shall be as under:

- i) To review centres (public/private) providing family planning services in the District and ensure implementation of National Standards.
- ii) To review and report deaths/complications due to sterilization in the District.
- iii) To review and report conception due to failure of sterilization in the District.
- iv) Review quality assurance activities in the District.

v) To suggest measures to improve quality of family planning services.

vi) The Committee shall meet once in six months.

vii) The Committee shall decide about compensation to be awarded to the victims of sterilization as per the guidelines issued by the Government of India.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 6th October, 2015.

**Order**

No. 35/8/2004-I/PHD (Part file)/2077

Read: Order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

Government of Goa is pleased to constitute "District Level Quality Assurance Committee (DQAC)" for the District of South Goa comprising of the following members:

- |  |   |           |
|--|---|-----------|
| 1. Collector, South Goa District   | — | Chairman. |
| 2. Medical Superintendent-cum-<br>-Dy. Director, Hospicio Hospital,<br>Margao                    | — | Convener. |
| 3. Health Officer, Community<br>Health Centre, Curchorem/<br>/Primary Health Centre,<br>Cortalim | — | Member.   |
| 4. Senior Gynaecologist,<br>Hospicio Hospital, Margao  | — | Member.   |
| 5. Senior Surgeon, Hospicio<br>Hospital, Margao  | — | Member.   |
| 6. Senior Physician, Hospicio<br>Hospital, Margao  | — | Member.   |
| 7. Senior Anaesthetist,<br>Hospicio Hospital, Margao   | — | Member.   |
| 8. Senior Paediatrician,<br>Hospicio Hospital, Margao  | — | Member.   |
| 9. Matron of Hospicio Hospital,<br>Margao  | — | Member.   |
| 10. Seniormost Assistant Public<br>Prosecutor, South Goa   | — | Member.   |
| 11. Representative of Voluntary<br>Health Association of Goa<br>(VHAG)                           | — | Member.   |
| 12. Representative from Margao<br>IMA  | — | Member.   |

The terms of reference of the committee shall be as under:

1. Dissemination of Quality Assurance policy and guidelines to all stakeholders.
2. Ensuring Standards for Quality of Care.
3. Review, report and process compensation claims for onward submission to the SQAC under National Family Planning Indemnity Scheme.
4. In case a facility reports a sterilization related death, the Convener of the DQAC should inform the Convener of the SQAC within 24 hours. Death audit needs to be undertaken by the DQAC and report send to the State with the copy to the Ministry of Health and Family Welfare, GOI, within one month of the death being reported.
5. Monitoring QA efforts in the District.
6. The DQAC will meet atleast once in a quarter and conduct periodic review of the progress of QA activities.
7. Supporting quality improvement process.
8. Co-ordination with the State.
9. Reporting.

This issues in supersession of the earlier order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 30th November, 2015.

#### Order

No. 35/8/2004-I/PHD (Part file)/2101

Read: Order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

Government of Goa is pleased to constitute "State Quality Assurance Committee (SQAC)" composing of the following members, for the State of Goa. The Board responsibility of this committee will be to oversee the quality assurance activities across the State in accordance with the National and State's guidelines and also ensure regular and accurate reporting of the various key indicators.

1. Commissioner & Secretary (Health)/Mission Director (NHM) — Chairman.

2. Director of Health Services — Convener.
3. Dean, Goa Medical College — Member.
4. Medical Superintendent, Goa Medical College — Member.
5. Principal of State Training Institution (SIHFW) — Member.
6. Professor & HOD of OBG Department, Goa Medical College — Member.
7. Professor & HOD of Surgery Department, Goa Medical College — Member.
8. Professor & HOD of Anaesthesiology Department, Goa Medical College — Member.
9. Professor & HOD of Paediatrics Department, Goa Medical College — Member.
10. Medical Superintendent-cum-Dy. Director, North Goa District Hospital, Mapusa — Member.
11. Medical Superintendent-cum-Dy. Director, Hospicio Hospital, Margao — Member.
12. Medical Superintendent-cum-Dy. Director, Sub-District Hospital, Ponda — Member.
13. Principal of Institute of Nursing Education — Member.
14. Dy. Director (Public Health), Directorate of Health Services — Member.
15. President of Voluntary Health Association of Goa (VHAG) — Member.
16. Under Secretary, Law (Legal) — Member.
17. President of IMA — Member.
18. President of Private Nursing Homes Association — Member.
19. Health Officer, Community Health Centre, Valpoi/Primary Health Centre, Chinchinim — Member.
20. Chief Medical Officer (FW) & Nodal Officer for Quality Assurance (QA) Cell — Member Secretary.

The terms of reference of the Committee shall be as under:

1. Developing the Quality Assurance Policy & Guidelines for the State.



2. Ensuring attainment of the Standards for Quality of care by Public Health Facilities.
3. Mentoring the State/District level units.
4. The SQAC will meet atleast once in six months and shall conduct periodic review for the progress of QA activities at six monthly intervals.
5. Review and adjudicate compensation claims.
6. Supporting quality improvement process.
7. Reviewing key performance indicators of quality.
8. Reporting.

This issues in supersession of the earlier order No. 35/8/2004-I/PHD(Part file) dated 06-10-2015.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 30th November, 2015.

#### Order

No. 4/19/2002-II/PHD/Part 1/1826

Read: Memorandum No. 4/19/2002-II/PHD/Part 1 dated 02-11-2015.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(4)/2013/1220 dated 09-10-2015, Government is pleased to appoint Dr. Yogesh Kanta Gaude to the post of Lecturer in the Department of Anaesthesiology in Goa Medical College & Hospital, Bambolim-Goa on temporary basis in the Pay Band—3, Rs. 15,600-39,100+ Grade Pay of Rs. 6,600/- with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Dr. Yogesh Kanta Gaude shall be on probation for a period of two years.

Dr. Yogesh Kanta Gaude has been declared medically fit by the Medical Board.

The appointment is made subject to the verification of his character and antecedents. In the event of any adverse remarks noticed by the Government on verification of his character and antecedents, his services shall be terminated.

The appointment is made against the vacancy occurred due to promotion of Dr. Viraj Nagoji Namshikar, Lecturer to the post of Assistant

Professor in Anaesthesiology vide order No. 4/19/2002-II/PHD/Part 1 dated 22-04-2015.

By order and in the name of the Governor of Goa.

*Sangeeta M. Porob*, Under Secretary (Health).

Porvorim, 4th December, 2015.

#### Order

No. 35/8/2004-I/PHD (Part file)/2073

Read: Order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

Government of Goa is pleased to constitute a five members "State Family Planning Indemnity Sub-Committee" comprising of the following members:

- |   |                   |
|---|-------------------|
| 1. Commissioner & Secretary (Health)/Mission Director (NHM)             | Chairman.         |
| 2. Director of Health Services  | Convener.         |
| 3. Professor & HOD of OBG Department, Goa Medical College               | Member.           |
| 4. Senior Surgeon (trained in NSV), North Goa District Hospital, Mapusa | Member.           |
| 5. Chief Medical Officer (Family Welfare)                               | Member Secretary. |

The terms of reference of the Committee shall be as under:

1. This committee would redress, dispose and disburse claims/complaints received through the DQAC, as per procedure and time frame laid down in the manual on 'Family Planning Indemnity Scheme, 2013'.

This issues in supersession of the earlier order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

By order and in the name of the Governor of Goa.

*Maria Seomara Desouza*, Under Secretary (Health-II).

Porvorim, 30th November, 2015.

#### Order

No. 35/8/2004-I/PHD (Part file)/2096

Read: Order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

Government of Goa is pleased to constitute a five members "District Family Planning Indemnity

Sub-Committee for South Goa" comprising of the following members:

1. Collector, South Goa District — Chairman.
2. Medical Superintendent-cum- — Convener.  
-Dy. Director, Hospicio Hospital,  
Margao
3. Senior Gynaecologist, Hospicio — Member.  
Hospital, Margao
4. Senior Surgeon, Hospicio — Member.  
Hospital, Margao
5. Health Officer, Community — Member.  
Health Centre, Curchorem/  
/Primary Health Centre,  
Cortalim

The terms of reference of the Committee shall be as under:

1. This committee would process claims received from the clients and complaints/claims lodged against the surgeons and accredited facilities, as per procedure and time frame laid down in the manual on 'Family Planning Indemnity Scheme, 2013'.

This issues in supersession of the earlier order No. 35/8/2004-I/PHD (Part file) dated 06-10-2015.

By order and in the name of the Governor of Goa.

*Maria Seomara Desouza*, Under Secretary (Health-II).  
Porvorim, 30th November, 2015.

#### Order

No. 4/8/2012-II/PHD/1839

Read: Memorandum No. 4/8/2012-II/PHD dated 19-08-2015.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(3)/2012/995 dated 07-05-2015, Government is pleased to appoint Shri Goraksha Dharmaji Chikale to the post of Physicist (Group 'B', Gazetted) in the Department of Radiology, Goa Medical College & Hospital, Bambolim-Goa on temporary basis in the Pay Band-2, Rs. 9,300-34,800+ Grade Pay of Rs. 4,600/- with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Shri Goraksha Dharmaji Chikale shall be on probation for a period of two years.

Shri Goraksha Dharmaji Chikale has been declared medically fit by the Medical Board. The character and antecedents of Shri Goraksha Dharmaji Chikale have been verified by the District Magistrate, South Goa District, Margao-Goa.

The appointment is made against the vacancy occurred due to retirement of Shri Shyamsunder Sugur on attaining the age of superannuation on 31-10-2012; and subsequently revived Order No. 4/8/2012-II/PHD dated 18-08-2015.

By order and in the name of the Governor of Goa.

*Sangeeta M. Porob*, Under Secretary (Health).

Porvorim, 8th December, 2015.

#### Certificate

No. 2/16/2015-II/PHD/1825

Read: Government Order No. 4/20/2002-II/PHD/ /P. F. dated 24-09-2015.

Certified that the character and antecedents of Dr. Michelle Claudia Verodiana Menezes, Assistant Lecturer, Department of Biochemistry in Goa Medical College and Hospital, Bambolim appointed vide above referred Order has been verified by the Addl. District Magistrate, South Goa District, Margao and nothing adverse has come to the notice of the Government.

*Sangeeta M. Porob*, Under Secretary (Health).

Porvorim, 4th November, 2015.

#### Certificate

No. 11/3/89-IV/PHD/5/1842

Read: Government Order No. 11/3/89-IV/PHD/5 dated 24-09-2015.

Certified that the character and antecedents of Dr. Kennedy Mascarenhas, Lecturer in Prosthodontics and Crown and Bridge in Goa Dental College and Hospital, Bambolim-Goa mentioned in the above referred Order have been verified by the District Magistrate, South Goa District, Margao-Goa and nothing adverse has come to the notice of the Government.

*Sangeeta M. Porob*, Under Secretary (Health).

Porvorim, 9th December, 2015.

## Department of Public Works

Office of the Principal Chief Engineer

## Notification

No. 5-1-PCE-PWD-EO/2015-16/272

In exercise of the powers conferred by the second proviso to sub-section (1) of Sections 54A and 54B of the Goa, Daman and Diu Highways Act, 1973 (Act No. 10 of 1974) (hereinafter referred to as the "said Act") and in supersession of the Government Notification No. 5-1-PCE-PWD-EO/2015-16/42 dated 6th May, 2015, published in the Official Gazette, Series II No. 7 dated 14th May, 2015, the Government of Goa hereby exempts the following motor vehicles from the payment of fees under the said Act, with immediate effect, namely:-

- (i) All the vehicles registered in the State of Goa;
- (ii) Vehicles belonging to the President of India and his/her convoy;
- (iii) Vehicles belonging to the Vice-President of India and his/her convoy;
- (iv) Vehicles belonging to the Governors and their convoys;
- (v) Vehicles belonging to the Chief Ministers and their convoys;
- (vi) Vehicles belonging to the Members of Parliament;
- (vii) Official vehicles of the Ministers;
- (viii) Vehicles belonging to the Members of the Legislative Assembly of Goa and other States including their private vehicles;
- (ix) All defence vehicles including their transport vehicles;
- (x) All official vehicles of the Government of Goa, other States and the Government of India;
- (xi) All two wheelers and three wheelers;
- (xii) Ambulances;
- (xiii) Hearse Vans;
- (xiv) Transport vehicles registered in the District of Sindhudurg in Maharashtra and Districts of Belgaum and Karwar in Karnataka.

By order and in the name of the Governor of Goa.

*D. J. S. Borker*, Principal Chief Engineer & ex officio Addl. Secretary (P.W.D.).

Panaji, 15th December, 2015.

## Department of Rural Development

District Rural Development Agency

## Notification

No. DRDA-N/4-355/GGSY/2015-16

In terms of Clause 7 of Goa Gram Samrudhi Yojana (GGSY) guidelines, notified vide Notification No. DRDA-N/2-268/GGSY/08-09/1426 dated 01-07-2008, Government of Goa is pleased to reconstitute the Committee in order to sanction the projects under Goa Gram Samrudhi Yojana with immediate effect as follows:-

1. Hon'ble Minister for Rural Development, Goa — Chairman.
2. Shri Kiran Kandolkar, Hon'ble MLA-Tivim Constituency — Member.
3. Shri Caetano R. Silva, Hon'ble MLA-Benaulim Constituency — Member.
4. Sau. Prajakta Prakash Kannaik, Sarpanch, Village Panchayat, Tuem, Pernem — Member.
5. Project Director (DRDA-N) & ex officio Joint Secretary (RD) — Member Secretary.

By order and in the name of the Governor of Goa.

*V. N. Shetye*, Project Director & ex officio Joint Secretary (RD).

Panaji, 11th December, 2015.

## Department of Urban Development

Directorate of Municipal Administration

## Notification

No. 1/7/UDD/2003/2400

In exercise of the powers conferred by Clause 6 of the Rules and Regulations of the Goa State Urban Development Agency, the Government of Goa hereby re-constitutes the Governing Body of the Goa State Urban Development Agency, as under:-

## Governing Body

- (1) Hon. Minister for Urban Development/Dy. Chief Minister — Chairman.
- (2) Shri Sudhir A. Kandolkar, Vice-Chairman — Vice-Chairman.

- (3) Secretary (Urban Development) — Member.  
 (4) Joint Secretary (Finance) — Member.  
 (5) Director, Planning, Statistics & Evaluation — Member.  
 (6) The Principal Chief Engineer (PWD) — Member.  
 (7) The Chief Town Planner (CTP) — Member.  
 (8) The Chief Project Officer (GSUDA) — Member.  
 (9) Director of Urban Development — Member Secretary.

This issues in supersession of this Department's Notification No. 1/7/UDD/2003/368 dated 7th May, 2013.

By order and in the name of the Governor of Goa.

*Elvis P. Gomes*, Director & ex officio Addl. Secretary (Municipal Administration/Urban Development).

Panaji, 10th December, 2015.

#### Notification

No. 1/7/UDD/2003/2401

In exercise of the powers conferred by Clause 6 of the Rules and Regulations of the Goa State Urban Development Agency, the Government of Goa hereby re-constitutes the General Body of the Goa State Urban Development Agency, as under:-

#### General Body

- (1) Hon. Minister for Urban Development — Chairman.  
 (2) Shri Sudhir A. Kandolkar — Vice-Chairman.  
 (3) Secretary (Urban Development) — Member.  
 (4) Joint Secretary (Finance) — Member.  
 (5) Director, Planning, Statistics & Evaluation — Member.  
 (6) The Principal Chief Engineer (PWD) — Member.  
 (7) The Chief Town Planner (CTP) — Member.  
 (8) Managing Director (GSIDC) — Member.  
 (9) Dr. Vasudeo Rajendra Deshpabhu, Pernem — Member.  
 (10) Shri Valigno Dias, Vasco — Member.  
 (11) Shri Atul Datye, Valpoi — Member.  
 (12) Shri Manohar Shirodkar, Bicholim — Member.  
 (13) Director of Municipal Administration/Urban Development — Member Secretary.

This issues in supersession of this Department's Notification No. 1/7/UDD/2003/367 dated 7th May, 2013.

By order and in the name of the Governor of Goa.

*Elvis P. Gomes*, Director & ex officio Addl. Secretary (Municipal Administration/Urban Development).

Panaji, 10th December, 2015.

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